United States Government

Department of Energy

memorandum

Carlsbad Area Office
Carlsbad, New Mexico 88220

ENTERED

MAY 1998

DATE: April 24, 1998

REPLY TO: CAO:OOM:98-0020:UFC 1200.00

SUBJECT: Phone Conversation with Tom Udall, New Mexico Attorney General

TO: Memo For Record

In a telephone conversation on April 23, 1998, Tom Udall and I discussed the site TRU waste characterization procedures/processes. He restated his request for waste characterization data on the Los Alamos National Laboratory (LANL) waste stream (non-mixed) to be shipped to WIPP. I reiterated my offer to meet with him and his staff, accompanied by the appropriate experts on LANL wastes, to answer his questions, address his concerns, and provide him with pertinent/relevant data.

Mr. Udall stated that due to his very busy schedule he could not meet but requested that his staff attend a meeting/briefing on this matter. I reminded him that I had invited him to a detailed briefing provided to the New Mexico Governor's WIPP Task Force on April 13, 1998, in Los Alamos, followed by a tour of the LANL TRU waste characterization facilities. He did not attend although five New Mexico Cabinet Secretaries did so; however, he did send two Attorneys from his office. I asked if they had briefed him on the meetings/briefings. He did not respond.

Mr. Udall again requested the LANL TRU waste characterization data, and affirmed that he also wished to avoid litigation of the RCRA issue, as I had suggested. Furthermore, he stated that if we held a meeting with his staff and provided the requested information, he would review it with his staff and determine if we [DOE] were complying or failing to comply with the law/legal requirements concerning hazardous waste. If any concerns or non-compliance issues are raised, he promised to inform me of them and participate in a meeting with me and staff to address the identified concerns or issues, prior to initiating any litigation.

On that basis, I agreed to schedule a meeting/briefing at LANL on Tuesday, April 28, 1998, to be attended by CAO Legal and Technical representatives, LANL TRU waste characterization program staff, and Assistant Attorney General Lindsey Lovejoy and other selected staff from the New Mexico Attorney General's office. At that meeting, we will provide the approved LANL waste stream profile form and supporting waste characterization data.

George E. Dials
Manager

cc:
Cooper Wayman
Kent Hunter

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